

Chittenden Central Supervisory Union
Procedure G5-R1: Maintenance and Destruction of Background Check Information

Revised 2/11/10

Consistent with 16 V.S.A. § 256, the following protocol will apply to the maintenance of background check information as obtained under Policy G7. Upon initiation of a background check request, the Human Resource Director and/or his/her designee shall distribute a copy of this procedure to the person subject to the check.

1. CCSU Human Resources will maintain all background check logs, processed release forms and background check results.
2. Background check files will be maintained separate from any file accessible to the public or unauthorized personnel.
3. Background check logs, processed release forms, criminal record information, and registry results will be maintained for three calendar years in accord with the district's user agreement with the Vermont Criminal Information Center (VCIC).
4. After the three-year retention period, the record information and logs will be maintained or destroyed as follows:
 - a. if the person who is the subject of the background check authorizes maintenance of the information, and the **information is a notice of no criminal record**, the information will be securely maintained by the school district indefinitely;
 - b. if the person who is the subject of the background check authorizes maintenance, and the **information is a criminal record or notice of the existence of a criminal record**, the information will be sent by the Superintendent to the Commissioner of Education for secure maintenance in the central records repository;
 - c. if the person who is the subject of the background check does not authorize maintenance of the information, the superintendent shall destroy the information (i.e. criminal record, notice or the existence of a record, or notice of no criminal record) in accordance with the user agreement with VCIC.
5. In order to request the maintenance of the record beyond the three-year retention period, the person subject to the check must submit a request in writing before the three-year retention period expires. The written request must include the individual's full name, date of birth, social security number, signature, date of request, and requested period of retention. Such requests must be sent to: Chittenden Central Supervisory Union, Attn: Human Resources, 51 Park Street, Essex Jct., VT 05452.
6. In the case of a request other than one made on behalf of a contractor, the superintendent or headmaster shall forward a copy of the information to the person about whom the request was made.
7. If a record of conviction is received from VCIC, other than one made on behalf of a contractor, the district shall forward a copy of the record to the individual about whom the request was made along with notification in writing regarding:
 - a. a written notice of the person's rights under subsection 16 V.S.A. §255 (g),
 - b. CCSU's respective protocol regarding the maintenance and destruction of records;
 - c. the person's right to request that the record or notice of no record be maintained for purposes of using it to comply with future record check requests pursuant to 16 V.S.A. §256; and
 - d. the person's right to challenge the accuracy of the record by appealing to VCIC within 30 days.
8. In the case of a request made on behalf of a contractor, the district shall inform the contractor in writing either that no record exists or that a record does exist but shall not reveal the content of the record to the contractor. The contractor shall then forward a copy of the information received to the person about whom the request was made along with notification in writing regarding:
 - a. a written notice of the person's rights under subsection 16 V.S.A. §255(g),
 - b. CCSU's respective protocol regarding the maintenance and destruction of records;
 - c. the person's right to request that the record or notice of no record be maintained for purposes of using it to comply with future record check requests pursuant to 16 V.S.A. §256; and
 - d. the person's right to challenge the accuracy of the record by appealing to VCIC within 30 days of receipt of the notice.

9. Consistent with 16 V.S.A. §255(g), following notice that a record exists, a person may:
 - a. Sign a form authorizing the Vermont criminal information center to release a detailed copy of the criminal record to a superintendent or to the person.
 - b. Challenge the accuracy of the record by appealing to the Vermont criminal information center pursuant to rules adopted by the commissioner of public safety.
 - c. Decline or resign employment.